

REMARKS

The Official Action of March 24, 2005, and the prior art cited and relied upon therein have been carefully studied. The claims in the application are now claims 9-24, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

New claims 17-24 have been added. Claims 9-24 remain in the application for consideration.

The Examiner has rejected claims 9 and 10 under 35 U.S.C. §103(a) as being unpatentable over Hergott '806 in view of Hidechika '370, claim 11 under 35 U.S.C. §103(a) as being unpatentable over Hergott in view of Hidechika and further in view of Avila '554, claim 12 under 35 U.S.C. §103(a) as being unpatentable over Hergott, as modified, in view of Avila and further in view of Bennett '683, and claim 13-16 under 35 U.S.C. §103(a) as being unpatentable over Hergott, as modified, in view of Bennett further in view of Yasuhiko '783. Applicant respectfully traverses all of these rejections especially as applied to claims 9-16 as amended and new claims 17-24.

With regard to the Examiner's rejection of claims 9-16 based partially on the patent to Hidechika '370, Applicant first respectfully submits that the trim wire (9) of Hidechika is not equivalent to the frame member 4A of the claimed invention, since trim wire (9) is located within surface skin member 6 around the perimeter of recess (3a) in cushioning pad 3 which lies on the outer surface of the cushioning pad 3, which is not a seat cushion as claimed. In comparison, the claimed frame member 4A is embedded within foam padding (7) of seat cushion (5c) and not within the cover assembly, as is trim wire (9) of Hidechika.

In addition, the bendability of the securing pieces is a primary feature of the claimed invention, as one of the means of protecting cup support member against damage due to a downward load. Such bendability is not disclosed nor suggested in any of the cited references, especially as now set out in amended claims 9 and 14.

According to Hergott '806, the underset article holder apparatus (10) relates to a furniture seat, not an automotive seat, and thus is different from the claimed invention in terms of technical field. The article holder apparatus (10) is not designed in a bendable way as in the claimed invention. The Hergott apparatus is of a robust

construction and not of the type of the claimed invention aimed at making the holder bendable by a load applied thereto. The holder apparatus (10) is simply fixed to the underside of seat cushion via a mounting plate (42) which is rigid as stated at Col. 5, line 29. The mounting plate (42) is therefore understood by anyone skilled in the art to be a non-bendable plate which is so rigid as to support the holder apparatus (10) securely.

Applicant respectfully submits that the claimed invention provides a bendability of the securing pieces (3) to prevent the cup support element of a relatively fragile nature against damage due to a great load (at F for instance) applied thereto in a vertical direction (or in a downward direction). Such protection insures to retain a shape of the cup support element (1) and allow smooth movement of the slide support member (1B) in the cup support element (1). The claimed invention is the first to contemplate localized bendable portions between the cup support element and the wire framework embedded in the seat cushion. There has been no prior art disclosing such particular structure. Hence, the claimed invention is not obvious.

Applicant further notes that Avila does not disclose formation of the horizontally projected securing pieces with

the support frame (34). The same argument applies to Yasuhiko '783, the Rander '436 patent, and the Bennet '683 patent, which are all entirely silent as to the protection plate and bendable securing pieces formed therewith as clearly claimed by the present invention. In particular, the Yasuhiko reference has no disclosure for such protection plate.

Finally, Applicant respectfully submits that the cited prior art neither together or alone teach the structural features set out in new independent claim 17 and claims 18-24 dependent therefrom. None of the cited prior art teach a plurality of securing pieces projecting horizontally from the free edge of lateral walls extending down from a projection plate nor the bottom surface of the projection plate abutting and fixed to the top surface of the body portion of the cup support element. These features clearly enhance the intended function of the claimed invention.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

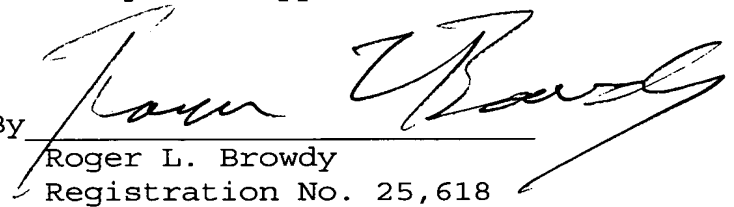
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Favorable reconsideration and allowance are
earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By


Roger L. Browdy
Registration No. 25,618

RLB:ma
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\P\pate\Okamoto10\pto\Amend-AF June05.doc